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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 915 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHANDUBHAI KHANJI JADEJA

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Appeal No. 915 of 2001

MR KR RAVAL FOR MR SAURIN A SHAH for Appellant

MR HL JANI, APP for Respondent

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 27/10/2004

ORAL JUDGEMENT

1. This appeal is preferred under Section 374(2) of Code of Criminal Procedure against the judgment and order dated 29.10.2001 delivered by Additional Sessions Judge, Kutch at Bhuj in Sessions Case No.83 of 1989 whereby the present appellant came to be convicted for the offence punishable under Sections 498(A) and 306 of the Indian

Penal Code. The appellant was sentenced to undergo five years rigorous imprisonment and to pay a fine of Rs.1,000/--, in default, to undergo rigorous imprisonment for one year for the offence punishable under Section 306 of the Indian Penal Code, while he was sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.500-00, in default to undergo six months rigorous imprisonment for the offence punishable under Section 498(A) of the Indian Penal Code. Both the sentences, who are directed to run concurrently.

2. Mr.K.R.Raval, learned advocate for Mr.S.A. Shah, learned advocate for the appellant and Mr.H.L.Jani, learned APP for the respondent - State were heard.

3. Mr.H.L.Jani, learned APP for the respondent State has placed on record the jail remarks dated 21.10.2004 in respect of the appellant indicating that the appellant has earned remission of 07 months and 28 days in sentence of imprisonment, according to law and, thereafter, on completion of punishment, he has been released from the jail on 04.01.2004.

4. In above view of the matter, when the appellant has been served fully with the sentence awarded to him vide judgment and order impugned in this appeal and since, after completion of punishment, when he has been released from the jail as aforesaid, this appeal has now become infructuous.

5. In the result, this appeal stands disposed of, as having become infructuous.

[J. R. Vora,J.]
(vijay)